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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,730

Applicant(s)

MIYAZAKI ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/17/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. This is in response to amendment filed on 2/17/05 in which claims 1-43 are pending. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.
2. As per claims 1 and 21, Applicant argues that Burman fails to teach "said source device being implemented to include a digital camera device". The prior art of Acosta et al, presented in the previous office action, is used to teach the above limitation. Furthermore, Applicant argues that the "data flow of Burman et al is from server to device." The Office submit that the claimed of Burman et al teaches " the ability to determine transfer time for data, files sent or transmitted between devices connected to a computer network and the bandwidth between the devices", emphasizing that the data flow of Burman et al is going in both directions.
3. As per claims 42 and 43, Applicant argues that "means-plus-function" language is utilized to recite elements and functionality similar to those recited I claims 1 and 21. Furthermore, Applicant argues that "mean-plus-function" language should be construed in light of specification. However, The Office reminds Applicant that Office personnel are to give the claimed means plus function limitations their broadest reasonable interpretation consistent with all corresponding structures or materials described in the specification and their equivalents including the manner in which the claimed functions are performed. See *Kemco Sales, Inc. v. Control Papers Company, Inc.*, 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000). Further guidance in interpreting the scope of equivalents is provided in MPEP § 2181 through § 2186. While it is appropriate to use the specification to determine what applicant intends a term

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to mean, a positive limitation from the specification cannot be read into a claim that does not impose that limitation. A broad interpretation of a claim by Office personnel will reduce the possibility that the claim, when issued, will be interpreted more broadly than is justified or intended. An applicant can always amend a claim during prosecution to better reflect the intended scope of the claim. Therefore, claims 42 and 43 stand rejected as stated in the previous office action.

4. As per claims 8 and 28, Applicant argues that the cited references fails to disclose the utilization of transfer option fields that are implemented in any manner that is similar to those techniques disclosed and claimed by Applicant. However, Acosta clearly teaches wherein “the processed image is compressed for transmission over the network” (See col. 9 and 10), that are equivalent to the claimed limitation of “an alter transfer-data option including a reduce data-size option”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 42 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2001/0010059 to Burman et al.

a. As per claims and 43, Burman et al teaches a computer-readable medium comprising program instructions for transferring data by performing the steps of: transferring data from a source device to a destination device through a communication path during said data transfer operation (See page 4, paragraph [0035]); determining a transfer duration for said data transfer operation by using a transfer manager and providing said transfer duration to a system user for interactively managing said data transfer operation (See page 4, paragraph [0035]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2- 9, 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0010059 to Burman et al in view of U.S. Patent No. 6,166,729 to Acosta et al.

a. As per claims 1 and 21, Burman et al teaches a system for performing a data transfer operation, comprising: a source device for providing transfer data to a destination device through a communication path during said data transfer operation (See page 4, paragraph [0035]); and a

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transfer manager configured to determine a transfer duration for said data transfer operation, said source device providing said transfer duration to a system user for interactively managing said data transfer operation (See page 4, paragraph [0035]). However, Burman et al teaches said source device being implemented to include a digital camera device.

Acosta et al teaches a remote digital image viewing system and method. Furthermore, Acosta et al teaches wherein the source device include a digital camera device. (See col. 4, lines 45-67 and col. 5, lines 1-42).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the source device include a digital camera device as taught by Acosta et al in the claimed invention of Burman et al in order to permit the acquisition and transmission of live images over the Internet or dedicated networks (See col. 1, lines 62-65).

b. As per claims 5 and 25, Burman et al teaches wherein said transfer manager includes a bandwidth monitor for determining a current transfer speed for said data transfer operation, a calculation module for determining a data size value corresponding to said transfer data, and for calculating said transfer duration using said data size value and said current transfer speed, an option manager for controlling transfer options to interactively manipulate said transfer data, a data editor for altering said transfer data, and stored transfer parameters that include said data size value, said current transfer speed, and said transfer duration (See page 4, paragraph [0035]).

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c. As per claims 9 and 29, Burman et al teaches wherein at least one of said system user, a software program, and an electronic entity initially begins said data transfer procedure by issuing a data transfer request to said source device (See page 2, paragraph [0011]).

d. As per claim 2 and 22, Burman et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein said source device is implemented to include a digital camera device with at least one of a processor, a display, one or more input/output interfaces, a memory, and a user interface.

Acosta et al teaches a remote digital image viewing system and method. Furthermore, Acosta et al teaches wherein source device is implemented to include a digital camera device with at least one of a processor, a display, one or more input/output interfaces, a memory, and a user interface (See col. 4, lines 45-67 and col. 5, lines 1-42).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate source device is implemented to include a digital camera device with at least one of a processor, a display, one or more input/output interfaces, a memory, and a user interface as taught by Acosta et al in the claimed invention of Burman et al in order to provide viewing over a network (See col. 1, lines 39-57).

e. As per claims 3 and 23, Burman et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein said transfer data includes digital image data, said communication path being coupled to an Internet network, said destination device including an image station website that is coupled to said Internet network.

Acosta et al teaches wherein said transfer data includes digital image data, said communication path being coupled to an Internet network, said destination device including an image station website that is coupled to said Internet network (See col. 26, lines 9-14).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said transfer data includes digital image data, said communication path being coupled to an Internet network, said destination device including an image station website that is coupled to said Internet network as taught by Acosta et al in the claimed invention of Burman et al in order to provide viewing over a network (See col. 1, lines 39-57).

f. As per claims 4 and 24, Burman et al teaches the claimed invention as described above. Furthermore, Burman et al teaches wherein said transfer manager provides transfer options on a user interface of said source device, said system user interactively manipulating said transfer data using said transfer options to thereby change said transfer duration into an acceptable time period under current transfer conditions (See page 4, paragraph [0035]).

g. As per claims 6 and 26, Burman et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein said source device includes one or more input/output interfaces that communicate with at least one of a distributed computer network, an Internet network, a host computer, a cellular telephone network, one or more user interfaces, a wireless communications network, and one or more removable storage media devices.

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Acosta et al teaches wherein said source device includes one or more input/output interfaces that communicate with at least one of a distributed computer network (See col. 10, lines 18-25), an Internet network, a host computer, a cellular telephone network, one or more user interfaces, a wireless communications network, and one or more removable storage media devices (See col. 9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said source device includes one or more input/output interfaces that communicate with at least one of a distributed computer network, an Internet network, a host computer, a cellular telephone network, one or more user interfaces, a wireless communications network, and one or more removable storage media devices as taught by Acosta et al in the claimed invention of Burman et al in order to provide viewing over a network (See col. 1, lines 39-57).

h. As per claims 7 and 27, Burman et al teaches the claimed invention as described above. However, Burman et al teaches wherein said source device includes a user interface presented by a user interface module and a display manager on a local display device, said user interface displaying a visual representation corresponding to said data transfer operation, said visual representation including a transfer data size field, a transfer speed field, a transfer time field, and one or more transfer option fields for interactive transfer optimizations performed by said system user.

Acosta et al teaches wherein said source device includes a user interface presented by a user interface module and a display manager on a local display device, said user interface

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displaying a visual representation corresponding to said data transfer operation, said visual representation including a transfer data size field, a transfer speed field, a transfer time field, and one or more transfer option fields for interactive transfer optimizations performed by said system user (See col. 8)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said source device includes a user interface presented by a user interface module and a display manager on a local display device, said user interface displaying a visual representation corresponding to said data transfer operation, said visual representation including a transfer data size field, a transfer speed field, a transfer time field, and one or more transfer option fields for interactive transfer optimizations performed by said system user as taught by Acosta et al in the claimed invention of Burman et al in order to provide viewing over a network (See col. 1, lines 39-57).

i. As per claims 8 and 28, Burman et al teaches wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option.

Acosta et al teaches wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least

one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option (See col. 9 and 10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option as taught by Acosta et al in the claimed invention of Burman et al in order to provide viewing over a network (See col. 1, lines 39-57).

9. Claims 10-11 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0010059 to Burman et al in view of U.S. Patent No. 6,166,729 to Acosta et al as applied to claims 1 and 21 above, and further in view of U.S. Patent No. 5,774,583 to Sasaki et al.

a. As per claims 10 and 30, Burman et al in view of Acosta et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein a calculation module from said transfer manager responsively determines a data size value corresponding to said transfer data, said data size value being stored in transfer parameters of a local memory device.

Sasaki et al teaches wherein a calculation module from said transfer manager responsively determines a data size value corresponding to said transfer data, said data size value being stored in transfer parameters of a local memory device (See col. 19, lines 63-67 and col. 20, lines 1-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a calculation module from said transfer manager responsively determines a data size value corresponding to said transfer data, said data size value being stored in transfer parameters of a local memory device as taught by Sasaki et al in the claimed invention of Burman et al in view of Acosta in order to provide an information reproducing (See col. 56-67).

b. As per claims 11 and 31, Burman et al in view of Acosta et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein a bandwidth monitor from said transfer manager determines a transfer speed value for performing said data transfer procedure under current transfer conditions, said transfer speed value being stored in said transfer parameters of said local memory device.

Sasaki et al teaches wherein a bandwidth monitor from said transfer manager determines a transfer speed value for performing said data transfer procedure under current transfer conditions, said transfer speed value being stored in said transfer parameters of said local memory device (See col. 19, lines 63-67 and col. 20, lines 1-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a bandwidth monitor from said transfer manager determines a

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transfer speed value for performing said data transfer procedure under current transfer conditions, said transfer speed value being stored in said transfer parameters of said local memory device as taught by Sasaki et al in order to provide an information reproducing (See col. 56-67).

10. Claims 12-17 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0010059 to Burman et al in view of U.S. Patent No. 5,774,583 to Sasaki et al as applied to claim 11 above, and further in view of J.P. Patent Application No. 09-060776 to Norio et al.

a. As per claims 12 and 32, Burman et al in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al in view of Sasaki fails to teach wherein a transfer speed module of said communication path periodically provides a bandwidth value to said transfer manager to thereby indicate current bandwidth conditions for any data transfer operations through said communication path, said bandwidth monitor responsively converting said bandwidth value into said transfer speed value that is then stored into said transfer parameters in said local memory device.

Norio et al teaches a communication controller. Furthermore, Norio et al teaches wherein a transfer speed module of said communication path periodically provides a bandwidth value to said transfer manager to thereby indicate current bandwidth conditions for any data transfer operations through said communication path, said bandwidth monitor responsively converting

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said bandwidth value into said transfer speed value that is then stored into said transfer parameters in said local memory device (See detail description, paragraph [0003-0005]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a transfer speed module of said communication path periodically provides a bandwidth value to said transfer manager to thereby indicate current bandwidth conditions for any data transfer operations through said communication path, said bandwidth monitor responsively converting said bandwidth value into said transfer speed value that is then stored into said transfer parameters in said local memory device as taught by Norio et al in the claimed invention of Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

b. As per claims 13 and 33, Burman et al in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al in view of Sasaki fails to teach wherein said source device transmits a bandwidth test packet to one of said communication path and said destination device, said one of said communication path and said destination device responsively returning an acknowledgement of said bandwidth test packet to source device, said bandwidth monitor of said transfer manager responsively calculating said transfer speed value based upon an elapsed test packet transfer time.

Norio et al teaches wherein said source device transmits a bandwidth test packet to one of said communication path and said destination device, said one of said communication path and said destination device responsively returning an acknowledgement of said bandwidth test packet

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to source device, said bandwidth monitor of said transfer manager responsively calculating said transfer speed value based upon an elapsed test packet transfer time (See detail description, paragraph [0003-0007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said source device transmits a bandwidth test packet to one of said communication path and said destination device, said one of said communication path and said destination device responsively returning an acknowledgement of said bandwidth test packet to source device, said bandwidth monitor of said transfer manager responsively calculating said transfer speed value based upon an elapsed test packet transfer time as taught by Norio et al in the claimed invention of Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

c. As per claims 14 and 34, Burman et al in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al in view of Sasaki fails to teach wherein said calculation module from said transfer module calculates a transfer time value corresponding to said transfer duration, said transfer time value being stored in said transfer parameters of said local memory device.

Norio et al teaches wherein said calculation module from said transfer module calculates a transfer time value corresponding to said transfer duration, said transfer time value being stored in said transfer parameters of said local memory device (See detail description, paragraph [0003-0007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said calculation module from said transfer module calculates a transfer time value corresponding to said transfer duration, said transfer time value being stored in said transfer parameters of said local memory device as taught by Norio et al in the claimed invention of Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

d. As per claims 15 and 35, Burman et al in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al in view of Sasaki fails to teach wherein said calculation module calculates said transfer time value according to a formula: $\text{Transfer Time Value} = \text{Data Size Value} / \text{Transfer Speed Value}$ where said Transfer Time Value is an amount of time required to complete said data transfer operation in seconds, said Data Size Value is a size of said transfer data in bits, and said Transfer Speed Value is a bandwidth of said communication path for said data transfer operation in bits per second.

Norio et al teaches wherein said calculation module calculates said transfer time value according to a formula: $\text{Transfer Time Value} = \text{Data Size Value} / \text{Transfer Speed Value}$ where said Transfer Time Value is an amount of time required to complete said data transfer operation in seconds, said Data Size Value is a size of said transfer data in bits, and said Transfer Speed Value is a bandwidth of said communication path for said data transfer operation in bits per second (See detail description, paragraph [0022]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said calculation module calculates said transfer time value

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according to a formula: $\text{Transfer Time Value} = \text{Data Size Value} / \text{Transfer Speed Value}$ where said Transfer Time Value is an amount of time required to complete said data transfer operation in seconds, said Data Size Value is a size of said transfer data in bits, and said Transfer Speed Value is a bandwidth of said communication path for said data transfer operation in bits per second as taught by Norio et al in the claimed invention of Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

e. As per claims 16 and 36, Burman et al in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al in view of Sasaki fails to teach wherein said system user authorizes said source device to perform said data transfer operation whenever said transfer time value is acceptable under said current conditions.

Norio et al teaches wherein said system user authorizes said source device to perform said data transfer operation whenever said transfer time value is acceptable under said current conditions (See detail description, paragraph [0003-0007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said system user authorizes said source device to perform said data transfer operation whenever said transfer time value is acceptable under said current conditions as taught by Norio et al in the claimed invention of Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

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f. As per claims 17 and 37, Burman et al in view of Sasaki et al teaches the claimed invention as described above. Furthermore, Burman et al teaches teach wherein said system user interactively utilizes one or more transfer options that are presented by said source device on a user interface to thereby optimize said data transfer operation under said current conditions (See page 7, paragraph [0076- 0079]).

11. Claims 18-19 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0010059 to Burman et al in view of U.S. Patent No. 6,166,729 to Acosta et al and further in view of U.S. Patent No. 5,774,583 to Sasaki et al as applied to claim 11 above, and further in view of J.P. Patent Application No. 09-060776 to Norio et al.

a. As per claims 18 and 38, Burman et al in view of Acosta et al and further in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option.

Acosta et al teaches wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least

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one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option (See col. 9 and 10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option as taught by Acosta et al in order to provide viewing over a network (See col. 1, lines 39-57).

b. As per claim 19 and 39, Burman et al in view of Acosta et al and further in view of Sasaki et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein said transfer manager repeatedly recalculates and displays said transfer parameters on said user interface to thereby allow said system user to optimize said data transfer operation under said current conditions.

Acosta et al teaches wherein said transfer manager repeatedly recalculates and displays said transfer parameters on said user interface to thereby allow said system user to optimize said data transfer operation under said current conditions (See col. 9 and 10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said transfer manager repeatedly recalculates and displays said transfer parameters on said user interface to thereby allow said system user to optimize said data

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transfer operation under said current conditions as taught by Acosta et al in order to provide viewing over a network (See col. 1, lines 39-57).

12. Claims 20 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0010059 to Burman et al in view of U.S. Patent No. 6,166,729 to Acosta et al as applied to claims 1 and 21 above, and further in view of U.S. Patent No. 6,078,919 to Ginzburg et al.

a. As per claim 20 and 40 Burman et al in view of Acosta et al teaches the claimed invention as described above. However, Burman et al fails to teach wherein said system user specifies an optimal value for said transfer duration under current conditions, said transfer manager automatically altering said transfer data using available transfer options to thereby permit said source device to perform said data transfer operation using said optimal value for said transfer duration.

Ginzburg et al teaches wherein said system user specifies an optimal value for said transfer duration under current conditions, said transfer manager automatically altering said transfer data using available transfer options to thereby permit said source device to perform said data transfer operation using said optimal value for said transfer duration (See col. 1, lines 56-67 and col. 2, lines 1-16).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said system user specifies an optimal value for said transfer

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duration under current conditions, said transfer manager automatically altering said transfer data using available transfer options to thereby permit said source device to perform said data transfer operation using said optimal value for said transfer duration as taught by Ginzburg et al in the claimed invention of Burman et al in view of Acosta et al in order to deliver data over a wide variety of different types of network which are protocol independent and transport medium independent (See col. 1, lines 48-53).

13. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0010059 to Burman et al in view of U.S. Patent No. 6,166,729 to Acosta et al as applied to claims 1 and 21 above, and further in view of in view of U.S. Patent 6,512,778 to Jones et al.

a. As per claim 41, Burman et al in view of Acosta et al teaches the claimed invention as described above. However, Burman et al in view of Acosta et al fails to teach the step of entering a hint mode wherein said transfer manager provides one or more transfer options for performing said data transfer operation, and wherein a hint subroutine responsively generates at least one of a transfer recommendation and a transfer explanation for said data transfer operation, said hint subroutine being activated by at least one of a system user action and an automatic initiation event from said source device.

Jones et al teaches the step of entering a hint mode wherein said transfer manager provides one or more transfer options for performing said data transfer operation, and wherein a

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hint subroutine responsively generates at least one of a transfer recommendation and a transfer explanation for said data transfer operation, said hint subroutine being activated by at least one of a system user action and an automatic initiation event from said source device (See col. 16, lines 47-67 col. 17, lines 1-16).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the step of entering a hint mode wherein said transfer manager provides one or more transfer options for performing said data transfer operation, and wherein a hint subroutine responsively generates at least one of a transfer recommendation and a transfer explanation for said data transfer operation, said hint subroutine being activated by at least one of a system user action and an automatic initiation event from said source device as taught by Jones in the claimed invention of Burman et al in view of Acosta et al in order to process media data for transmission in a data communication medium (See col. 6, lines 37-48).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER